Business Plan

2017–2018

Public Prosecution Service

NOVA SCOTIA

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Budget 2017–2018: Business Plans

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Mandate

The Nova Scotia Public Prosecution Service (PPS) is a functionally independent agency of government created by the Public Prosecutions Act. It shares a common Minister and some common services with the Department of Justice (DOJ), but it is not a division nor part of the Department of Justice. In addition to its statutory responsibilities, the Public Prosecution Service and its members contribute, where appropriate and feasible, to the formulation of public policy in the administration of justice.

The Public Prosecution Service, by statute, is responsible for:

- prosecution of all Criminal Code offences;
- prosecution of some other federal statutes;
- prosecution of provincial summary conviction offences;
- appeals before the Supreme Court of Nova Scotia;
- appeals before the Nova Scotia Court of Appeal;
- appeals before the Supreme Court of Canada;
- representation at Criminal Review Board hearings; and
- providing advice to police in respect of prosecutions generally or in respect of particular investigations.

Core Functions

The core functions of the Nova Scotia Public Prosecution Service are to:

- Represent the Crown in the conduct of criminal trials and quasi-criminal appeals before all levels of courts.
- Participate in the development of criminal law and criminal prosecutions policy.
- Provide advice to police in respect of prosecutions generally or in respect of particular investigations.

Goals

The following goals will help support the Public Prosecution Service with achieving its mandate and performing its core functions:

- Through cooperation with other Justice partners, develop strategies to deal with the new delay framework set out by the Supreme Court of Canada in its R. v. Jordan decision in July, 2016.

- To compliment the Province's Sexual Violence Strategy, the PPS will create two (2) Regional Lead/Specialist positions for Sexual Violence cases. These positions will prosecute Sexual Violence cases, provide guidance, advice and mentoring to other Crown Attorneys and assist in the creation and delivery of a specialized training program.

- The Domestic Violence Court staff positions in the Cape Breton Region will be made permanent.

- In the October 13, 2016 Throne Speech, the Government announced the expansion of the Domestic Violence Court. The PPS has been provided with the resources necessary to assist with the establishment of this expanded Domestic Violence Court.

Priorities/Activities/Initiatives for 2017-18

New Delay Framework – Jordan Decision

The Public Prosecution Service will add two (2) term Crown Attorney positions to assist the PPS in dealing with pressures associated with the new delay framework in place resulting from the Jordan Decision.

In July 2016, the Supreme Court of Canada rendered a judgement in the appeal of R. v. Jordan which set new rules for an accused's right to be tried within a reasonable time period. All Supreme Court cases and all trials which have a preliminary inquiry, now have a time limit of 30 months from the date when the charge has been laid to the completion of the trial. For Provincial Court trials, the time limit is 18 months from the date when the charge has been laid to the completion of the trial. For cases which go over these time limits, the delay is considered to be presumptively unreasonable and the charges will be stayed. The only recourse at our disposal is for Crowns to establish the presence of exceptional circumstances, which are defined as being outside the Crown's control in the sense that (1) they are reasonably unforeseen or reasonably unavoidable, and (2) the Crown cannot reasonably remedy the delays emanating from those circumstances once they arise.

Since this new framework is retrospective, these time lines apply to most cases already in the system

Planned Approach to measure progress, impact and success

The Public Prosecution Service will continue to evaluate the number of cases in jeopardy due to delay under the new delay framework. It is also essential that the PPS continue to collaborate with other justice system partners to ensure that the Justice System is operating within the framework established in the R. v. Jordan decision.

Sexual Violence Strategy

In keeping with the Sexual Violence Strategy for the Province of Nova Scotia, the Public Prosecution Service will add two (2) permanent Crown Attorney positions which will be dedicated to these unique and challenging cases. These positions will assist the PPS in ensuring that the resources are in place to enable Crown Attorneys to devote an appropriate amount of time to each Sexual Violence case, ensure that established policies and procedures are being consistently followed and provide training and guidance/mentoring to our staff.

Planned Approach to measure progress, impact and success

The Public Prosecution Service will continue to communicate with other involved parties to ensure that these new positions are having the desired impact on Sexual Violence cases.

Domestic Violence Court – Cape Breton

The Domestic Violence Court was an initiative of a number of justice system partners which began in the 2011/12 fiscal year. The funding and FTE for two positions (one Crown Attorney and one Legal Assistant) was added to the Public Prosecution Service budget and was scheduled to end on March 31, 2017.

The funding and FTEs for these two positions has been provided on a permanent basis giving further stability to this specialty court.

Planned Approach to measure progress, impact and success

The Public Prosecution Service will continue to monitor the impact that the Domestic Violence Courts are having on the court system, the victims and the accused.

Domestic Violence Court Expansion

In the October 13, 2016 Throne Speech, the Province of Nova Scotia announced the expansion of the Domestic Violence Court. The Public Prosecution Service will add one (1) Crown Attorney position which will provide services to the specialty court.

Planned Approach to measure progress, impact and success

The Public Prosecution Service will continue to monitor the impact that the Domestic Violence Courts are having on the court system, the victims and the accused.

Financial Summary

Departmental Expenses Summary
($ thousands)

Programs and Services	2016-2017 Estimate	2016-2017 Forecast	2017-2018 Estimate
Head Office	2,728	2,755	2,608
Cape Breton Region	3,524	3,438	3,549
Central Region	3,040	3,009	3,059
Halifax Region	7,518	7,741	7,964
Western Region	3,122	3,193	3,031
Appeals Division	1,140	1,093	1,079
Special Prosecution Division	1,943	1,886	2,490
Total - Departmental Expenses	23,015	23,115	23,780
Ordinary Recoveries	262	262	262
Funded Staff (# of FTEs)			
Department Funded Staff	167.8	165.5	173.3

Note:
For Ordinary Revenues, see Estimates and Supplementary Detail Book, Chapter 2
For TCA Purchase Requirements, see Estimates and Supplementary Detail Book, Chapter 1